charge of the Office of Navigation Safety and Waterway Services, U.S. Coast Guard Headquarters.

(33 U.S.C. 401, 491, 525, 535; 49 CFR 1.46(c) (8), (9), (10), (q))

[CGFR 67–46, 32 FR 17769, Dec. 12, 1967, as amended by CGD 76–144, 42 FR 28882, June 6, 1977; CGD 80–099, 46 FR 38353, July 27, 1981; CGD 82–006, 47 FR 36640, Aug. 23, 1982; CGD 88–052, 53 FR 25120, July 1, 1988; CGD 96–026, 61 FR 33663, June 28, 1996; CGD 97–023, 62 FR 33363, June 19, 1997; USCG–2001–9286, 66 FR 33640, June 25, 2001; USCG–2003–14505, 68 FR 9535, Feb. 28, 2003]

§ 114.10   General policies on issuance of permits and drawbridge operation regulations.

The several bridge laws referenced in § 114.01 Purpose, are intended to prevent any interference with navigable waters of the United States whether by bridges, dams, dikes or other obstructions to navigation except by express permission of the United States. The decision as to whether a bridge permit or a drawbridge operation regulation will be issued or promulgated must rest primarily upon the effect of the proposed action on navigation to assure that the action provides for the reasonable needs of navigation after full consideration of the effect of the proposed action on the human environment. The Coast Guard is not responsible for any other permits that the applicant may need from other federal, state, or local agencies and issuance of a bridge permit does not affect flood control projects or other governmental programs.

[CGD 82–006, 47 FR 36640, Aug. 23, 1982, as amended by USCG–2000–7223, 65 FR 40056, June 29, 2000]

§ 114.20   Departure from permit plans.

(a) If the final inspection shows a minor departure from the authorized plans which does not materially affect navigation, the permittee will be required to furnish a tracing showing the work as actually constructed but no further action will be taken by the Coast Guard.

(b) It is not the practice of the Coast Guard to issue letters certifying that completed work conforms to that which was authorized. That question is a matter of fact to be determined in case of controversy by the usual rules of court procedure.

§ 114.25   Work constructed without prior authority.

The Commandant or District Commander will approve plans and issue permits authorizing bridges across navigable waters, in cases where the application therefor is submitted after the commencement or completion of the bridges subject to the following rules: Approval will be limited to those cases where the necessary primary authority, State or Federal as the case may be, validly existed, when the work was innocently constructed, and where the work will not unreasonably interfere with navigation. Upon issuance of the permit, applicant will be informed that the law contemplates prior approval and that in the future plans must be submitted in ample time for their consideration by the Commandant or District Commander before construction is begun.

(5 U.S.C. 559; 14 U.S.C. 633; 33 U.S.C. 401, 491, 499, and 525; 49 U.S.C. 1655(g), and 49 CFR 1.46(c) and (q))

[CGD 80–099, 46 FR 38354, July 27, 1981]

§ 114.30   Revocation.

Permits may be revoked by the issuing official for failure on the part of the permittee to comply with any of the conditions therein, or where the structures or other work constitute an unreasonable obstruction to navigation or to operations of the United States in the interest of navigation or flood control.

[CGD 82–006, 47 FR 36640, Aug. 23, 1982]

§ 114.40   Violations of law.

The Coast Guard has the authority and responsibility for enforcement of the applicable provisions of law for the protection and preservation of navigable waters. It is the policy of the Coast Guard to secure compliance with these provisions of law short of legal proceedings. As a general principle, no action is taken when the violation is minor, unintentional, or accidental and the party responsible corrects the violation. It is the policy of the Coast Guard to implement civil or criminal proceedings in all other circumstances.